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Sr. John Wintour

HIS

ANSWER

To *A Printed Paper* lately publiſhed:

WHEREIN

Divers Things are moſt falſly charged upon his *Grants* in the

FORREST OF DEANE;

Reflecting very much upon the *Integrity* of divers of his

MAJESTIES OFFICERS,

And ſeveral other Perſons of *Great Worth* and *Reputation.*

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WINTER

IN

VALLEY

Now First Truly Published.

¶The Exceptions of this nameleſs perſon againſt Sir *John Wintours* Grants, are moſt of them ſo confuſedly huddled together, that it will be hard to anſwer them with ſuch brevity and method as Sir *John Wintour* could wiſh; which nevertheleſs ſhall be endeavoured; Therefore every Section being put by it ſelf *verbatim*, the Anſwer is thought fit to be placed immediately after.

By the Order of the Houſe, all Grants made by his Majeſty ſince 1648. are to be inſpected.

THE end of this Inſpection is, to ſee whether ſuch Grants have been reaſonably made, and without loſs and damage to the Revenue of the Crown, and without prejudice and diſ-ſervice to the Crown, and to the Publick Concern and Intereſt of the Kingdom; (for otherwiſe, to what purpoſe is the Inſpection to be made into thoſe Grants?)

Amongſt other Grants, that made to Sir *John Wintour* (in 1662.) of all the Woods and Timber (with the Iron-works) in the *Forreſt of Deane*, is to be inſpected.

Object. That which is to be inſpected and conſidered in that Grant, is, Whether it was reaſonably made, and without loſs and damage to the Revenue of the Crown, and without prejudice and diſ-ſervice to the Crown, and to the Publick Concern and Intereſt of the Kingdom?

In order to that, the ground (or reaſon) of this Grant is to be conſidered, which was for ſatisfaction (or recompence) to Sir *John Wintour*, for the Surrender of a Grant made to him (in the year 1639.) of the Woods, Timber, and Soil of the ſaid Forreſt.

Anſwer, What the reaſons and motives of this Grant were, beſides the ſurrender, is beſt known to his Majeſty. The Woods and Iron-works in that Forreſt (from the time of his happy return having been kept in his Majeſties hands) produced no profit, but divers thouſand pounds loſſe, as may more particularly appear upon inſpection, which may be one motive (amongſt many) thereunto.

Object. That Grant in 1639. was obtained upon falſe grounds.

Anſw. This is moſt untrue, and ſcandalous to the Officers his Majeſty then imployed about the ſame.

Obje. And his Majeſty was deceived and abuſed in the falſe Return of the Timber then remaining in the ſaid Forreſt, (upon which Return the Grant in 1639. did paſs.)

Anſw. The quantity and quality of the Timber and Trees of that Forreſt, were ſurveyed by Commiſſioners of approved credit and abilities, and returned upon oath, after great paines and moſt exact diligence, for many weeks together, in viewing, numbring, and eſtimating the ſame.

The whole quantity of wood ſo certifyed, (beſides the *Lea-Bayly*) was
153209. One hundred fifty three thouſand two hundred and nine Cords, The timber
61928. Sixty one thouſand nine hundred twenty eight Tun, of which ſaid quantity

14350. of timber there was but Fourteen thouſand three hundred and fifty loads, that were ſhip-timber.

500. That the trees were generally decayed, and not above Five hundred, but were paſt their full growth.

The Commiſſioners names were Sr. *William Maſters*, Sr. *Robert Cooke*, Sr. *Walter Pye*, *Nathaniel Stevens*, *James Kerle*, then Conſtable of that Forreſt, and *Adrian May*, Gentleman of his Majeſties privy chamber, all dead but the ſaid Mr. *May*, who will juſtify himſelf, and his ſaid fellow Commiſſioners from this ſcandal of a falſe return.

There was a ſubſequent Commiſſion to view the timber fit for his Majeſties ſhipping, granted to *Charles Bridgeman* Verderour, *John a Deane* Regardour of the ſaid Forreſt, *Pet*, and *John Ducy*, able ſhip-wrights, deputed from the then Commiſſioners of the Navy, whoſe return thereof (as to the quantity of the ſhip-timber) did little or nothing differ from the former, as by the Records of both Commiſſions, and reſpective returns may appear.

Object. **And by the ſaid Grant, (Sir *John Wintour* having Liberty to cut down and diſpoſe of (to his Uſe) all the timber of the ſaid Forreſt, excepting only fifteen thouſand Tuns to his Majeſty, which was a proportion very much ſhort of what Timber was then remaining in the ſaid Forreſt) the King and Kingdom was very much diſ-ſerved by that Liberty granted to the ſaid Sir *John Wintour*, to deſtroy all the Timber in the ſaid Forreſt.**

Anſw. The grant ſheweth apparently this to be falſe, for his Majeſty might reſerve what more timber he pleaſed above the ſaid fifteen thouſand tun; And that noted place of ſhip-timber in that Forreſt, called the *Lea-Baily*, was wholly excepted for his Majeſty out of his ſaid Grant, which is here moſt maliciouſly omitted.

Object. **And to diſpoſe of the waſt ſoil of the ſame, as he pleaſed, by which means the growth and preſervation of young Woods and Timber (in the ſaid Forreſt) for the uſe and ſervice of the Crown, and of the whole Kingdom, was prevented and taken away.**

Anſw. If his Majeſty and his Officers thought fit to improve and make ſale of the ſoile of the ſaid Forreſt, was it not to be preſumed the Purchaſour ſhould diſpoſe thereof, in ſuch lawfull way as might be moſt to his advantage?

Object. **The Woods and Timber granted in the ſaid Grant (in the year 1639.) were of much more conſiderable value then what Sir *John Wintour* was to give for the ſame, (which was but an hundred and ſix thouſand pounds to be paid in ſix years) and the eighteen thouſand Acres of the waſte ſoil of the ſaid Forreſt granted to Sir *John Wintour* (in the ſaid Grant) was worth four thouſand five hundred pounds *per Annum* to be improved; whereas Sir *John Wintour* was to pay but one thouſand nine hundred fifty pound a year Fee-farm rent (for the ſame) to the Crown, and the ſaid eighteen thouſand Acres might as eaſily and as ſpeedily have been improved for his Majeſty, as they could be by Sir *John Wintour* for his advantage. Beſides, in the ſaid Grant (in the year 1639.) all the Underwoods, (as *Holly*, *Hathorn*, *Birch*, &c.) and all the Iron-mines, and Coal-mines, and all Quarries of Grind-ſtones, and other ſtones, were granted to Sir *John Wintour* without paying any further Rent for the ſame, (which particulars were of a conſiderable value.)**

Anſw. Sr. *Bainham Throcmorton* and his partners, preſently after the Juſtice ſeat held by the then Earl of *Holland* for that Forreſt, had procu-

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red a Grant under the Great ſeal of all his Majeſties Iron-works there, with the yearly quantity of Thirteen thouſand five hundred Cords of Wood, which yearly proportion in twenty one years (for which terme the ſame was granted) would have conſumed Three hundred thouſand Cords at leaſt, being much more then all the trees of that Forreſt did containe, according to the return of the Commiſſion aboveſaid.

300000.

How then can the cutting down of the Wood and timber of that Forreſt, be juſtly imputed to Sr. *John Wintours* Grant in One thouſand ſixe hundred thirty nine, when as the ſaid Grant, was not only ſubſequent in time to this of Sir *Bainhams*, but alſo charged with a Proviſo to grant out of it to the ſaid Sir *Bainham* above Eighty thouſand Cords of wood at Ten ſhillings the Cord to be taken in ſix years, with two furnaces and four forges with timber for reparations of the ſame, and other uſes belonging thereunto, which was more then half the wood then remaining in all the Trees of that Forreſt (the *Lea-bayly* excepted) and much to the leſſening of the value of Sir *John Wintours* bargain.

The ſoyl of the ſaid Forreſt lay then all open and in common, yeelding no profit to his Majeſty, nor like to produce any timber for the future, by reaſon of the depaſturing of Cattle in all parts thereof. The Mynes and Quarries yeelded nothing that was conſiderable. Great quantity of Wood and Timber were yearly taken by the Inhabitants, upon pretence of Eſtovers. The King was at a very great charge of Officers, All which moved his Majeſty and the Officers of his Revenue to think it more ſecure, to make ſale of the premiſes in Groſs, rather then undergo the hazard of an improvement, and abuſe in the yearly delivery of the ſaid Cord-wood, and ſo much other charge and loſs as was occaſioned thereby, and therefore after ſeven or eight months examination to ſee what benefit might be made thereby, and finding what was offered by Sr. *John Wintour*, to be much more then by any other ways could be procured, this bargain was made with him for the premiſes, after publick diſcuſsion and approbation of the ſame at the Counſel table, without any exception thereunto made by Sr *Charles Harbord*, Surveyour General, or any other of his Majeſties officers.

It may appear upon a thorough calculation of this bargain, that computing according to the rate of money as it then went. (*viz.* 8 *per Cent.*) the ſaid premiſſes then ſold were not ſo much beyond the value of what Sr. *John Wintour* was to pay for the ſame, as is hereby moſt untruly affirmed, to the great ſcandal of his Majeſties officers that then were; Eſpecially of Sr. *Charles Harbord* his Surveyour General, to whoſe office did moſt particularly belong the inſpection into things of that nature, and through whoſe hands the ſeveral ſurveys and tranſactions concerning the ſame did wholly paſſe.

Ob. **And further, all the Fines: (which by the Execution of the Forreſt Laws upon the Inhabitants of the ſaid Forreſt,) ſhould be impoſed upon the ſaid Inhabitants (within their own private Lands, as well as within the waſte ſoil of the ſaid Forreſt) were to be received by Sir *John Wintour* to his own uſe and benefit.**

Anſw. Theſe Fines according to the ſaid Patent, were not to be levied, but only on ſuch of the ſaid Inhabitants, as ſhould afterwards refuſe to ſtand to the improvement of the ſaid waſts and ſoyl made by the ſaid Sr. *Charles Harbord*, Mr. *George* of *Ciceſter*, Mr. *Smith* of *Nibley*, Mr. *Morgan* Solliciter of the Councell of the *Marches*, and *John Shingleton* then Alderman of *Gloceſter*, his Majeſties Commiſſioners thereunto authoriſed. The Inhabitants clayming right of common to the ſaid ſoyl, (beſides Four thouſand acres alloted for them and the poor) had other great advantages and conveniences thereby, *viz.* deafforeſtation of their Lands (*gratis*) pardon for all treſpaſſes againſt the Forreſt Law, whereof there was no Conviction, confirmation of the reſpective titles for their Lands within the Perambulation of that Forreſt, And did aſſent and ſubſcribe under their hands and ſeals to the ſame Approvement, few or none diſſenting, which are the very words in the return of that Commiſſion; *which is another malicious omiſſion.*

It was but juſt and reaſonable that the Purchaſour being chargeable to the Crown, with the Fee farm rent of One thouſand nine hundred fifty pound twelve ſhillings and eight pence, upon the ſoyl ſo improved, ſhould be aſſiſted and inabled by ſuch ways and means, as legally remained in the Kings power, to oblige them to ſtand to their ſaid agreement, in caſe of any their reſpective diſſents afterwards.

Ob. For the ſurrender of this Grant, (which was obtained by Sir *John Wintour* (in the year 1639) ſo much to the diſ-ſervice and prejudice of the Crown, and of the whole Kingdom, and with ſo much loſs and damage in Relation to the Revenue of the Crown, and with ſo much juſt grievance and oppreſſion to the Inhabitants of that County.)

Anſw. He brings no proof that the Grant is ſuch as is exaggerated in this long parentheſis, but his bare aſſertion, againſt which may be oppoſed the known abilities and integrity of his Majeſties ſaid Surveyour General, as likewiſe thoſe of his then Learned Councel, and other the Officers of his Revenue, who queſtionleſſe would not have failed to have made the ſame known, if not to his Majeſty, at leaſt to the Lord Treaſurer, or ſome other the Lords of his moſt Honourable Privy Council, and thereby have ſtopped the paſſing under the Great Seal of a Grant that carried with it (as he untruly aſſerts) ſuch diſ-ſervice to the Crown, damage to his Majeſties Revenue, oppreſſion of his Subjects, which his ſaid moſt Excellent Majeſty was ever moſt averſe from.

It may juſtly be ſuſpected, how much ſoever this nameleſſe ſlanderer pretends to the Cavalier, he endeavours nevertheleſſe to blemiſh the ſacred memory of the beſt of Kings that ever reigned over us, before his Majeſty that now is.

Ob. His Majeſty was neceſſitated to give Sir *John Wintour* (in the year paſt) a Compenſation to the value of ſixty five thouſand pounds, and that occaſioned by Sir *John Wintours* taking advantage by the Act of Indempnity, by which he was freed from payment of ſo much money, as the value of the Woods and Timber remaining in the ſaid Forreſt (at his Majeſties happy Return into *England*) were really worth, and which he muſt (otherwiſe) have paid for the ſame, (which was to the value of above thirty four thouſand pounds) in the intrinſick value thereof.

Anſw. It was his Royal Juſtice, that (without ſatisfaction to the Patentee) would not reſume a Grant under the great ſeal of *England*, made upon ſo great and valuable conſiderations, which was good in Law, and by his learned Councel, (to whom the Examination thereof was referred,) reported to his ſaid Majeſty to be ſuch (his Royal Highneſſe the Duke of *York*, the Lord Chancellour, the Lord Treaſurer, and Sr. *Charles Harbord* being then preſent;) The conſideration whereof moved his Majeſty (which he calls neceſſitated) graciouſly to vouchſafe this compenſation, (be it in value more or leſſe according to his intrinſick way.)

The Act of Indempnity hath diſabled Sr. *John Wintour*, from recovering ſatisfaction from thoſe who have illegally committed ſo great waſts, as is well known upon his Eſtate; And it had been more for his advantage to have had liberty of requiring ſatisfaction from them.

Ob. By which means Sr. *John Wintour* hath gotten at leaſt twenty two thouſand pounds more then upon any juſt Accompt he can make of what was due to him upon his firſt Grant of 1639. (when he was prohibited the further enjoyment of the ſaid Grant) and all Charges belonging thereunto with Intereſt for the ſame.

Beſides

Beſides the benefit he will make (in five years time) by ſpending the ſaid Wood at the Ironworks, which will be worth to him at leaſt thirty one thouſand pounds; whereas (upon a juſt accompt) there will not appear to be above twelve thouſand pounds due to him, when he ſurrendred the firſt Grant in the year paſt; ſo he will get at leaſt fifty three thouſand pounds clear, more then he could pretend to (upon any juſt accompt) to be due unto him.

Anſw. Here this nameleſſe perſon unmaſketh his deſign, which is not in relation to any publick concern, *viz.* the inconſiſtency of this laſt Grant of 1662. with the preſervation and growth of Ship-timber, (whereof there is not one word in all his diſcourſe) but is vexed that Sir *John Wintour* hath compenſation for parting with that which was his Free-hold and Inheritance, and aggrieved that his Majeſty is pleaſed to conſider his loſſes and ſufferings.

Ob. Whether this laſt Grant (by which Sir *John Wintour* hath gotten ſo much for the ſurrender of ſuch a Grant as was formerly made to him in 1639.) be made upon reaſonable grounds, and without loſs and damage to his Majeſties Revenue, and without prejudice to the publick Intereſt, is left to Judgement, and conſequently what advice the Houſe ſhall think fit to preſent to his Majeſty therein.

Anſw. Sir *John Wintour* eſteems it a great happineſſe (notwithſtanding the great trouble, charge, and preſent loſſe that he ſuſtaineth thereby) that the Honourable Houſe are pleaſed to inſpect his ſaid Grants, in relation to the Ship-timber, and other his Majeſties concerns, and doubts not to yield that clear ſatisfaction upon a full hearing at the Bar, (which is all the favour he begs) as will acquit him of the aſperſion of deſtroying the Ship-timber, and enable him after ſo many ſufferings in perſon and fortunes, quietly to enjoy, during the reſt of his old dayes, the legal benefit of this his Majeſties ſaid Grant, having nothing elſe left of his whole Eſtate (which was ſold at *Drury houſe*) wherewith to pay his great debts, incurred for his Majeſties ſervice, to make proviſion for his younger Children, and ſupport his Wife and Family.

Obj. It is further to be conſidered, That in *March* 1660. (before the Act of Indempnity was confirmed) Sir *John Wintour* had agreed with the Right Honourable the Lord Treaſurer, to ſurrender his Grant to his Majeſty, upon juſt ſatisfaction to be given to him for what he had diſburſed upon his Grant, upon a juſt account thereof to be made; and accordingly Sir *John Wintours* account was ſtated by his Majeſties Auditors, (by Warrant from the Lord Treaſurer) and by Warrant (likewiſe) from his Lordſhip to Serjeant *Charnock* in *March* 1660. Sir *John Wintour* did receive four thouſand odd hundred pounds, (in Iron and debts owing to his Majeſty) as part of the ſaid ſatisfaction, upon the account that was to be made, and to be allowed of by the Lord Treaſurer, which account was not allowed of by his Lordſhip, (as being not fit to be allowed) and ſo the buſineſſe not being determined before the Act of Indempnity was confirmed, Sir *John Wintour* took the advantage of the ſaid Act, to free him from paying what he ought to have payd to his Majeſty for the Woods left in the ſaid Forreſt, and hath thereby obtained ſo great a Compoſition from his Majeſty for the ſurrender of his ſaid Grant, as is before mentioned.

Anſ. The ſaid four thouſand odd hundred pounds are diſcounted by the Auditors,& yet there remained due to Sir *John Wintour* thirty thouſand pound,and more upon his Accompts ſtated before them; which Accompts were never excepted againſt in any particular that he had notice of, nor was he further required to juſtifie the ſame. The Lord Treaſurer was preſent with his Majeſty, when (after many hours Conſultation, and examination of the Commiſſioners lately before ſent into that Forreſt, as to the value thereof, but eſpecially as to the point of Ship-timber)his Majeſty declared his Final Pleaſure for paſſing the ſaid Grant, (the ſaid Sir *Charles Harbord*, and Mr. Attorney General being alſo there.)

FINIS.

No proof is offered for what is objected, but the bare *Aſſertion* of this Slanderer,(and he nameleſs;) whereas for what is anſwered on Sir *John Wintours* behalf, he will preſently juſtifie by Records and undeniable Teſtimonies.

JOHN WINTOUR.